

CLARK COUNTY SUBDIVISION REGULATIONS

(part)

Lotsplits
Cluster Lotsplits
Bonus Cluster Lotsplits

TITLE 3 PROCEDURES

CHAPTER 3.6

MINOR SUBDIVISIONS

Statement of Intent

A minor subdivision (aka lotsplit) is the dividing of a parcel into smaller lots which are less than five (5) acres. In order for a suitable site to be created whether for immediate or future building purposes, a minor subdivision must be able to meet minimal basic requirements related to health, safety, and welfare not only for the proposed division but also taking into consideration its impact on the surrounding area. Lotsplit requirements not only apply to the lot to be created, but also to the remainder. It should be noted that additional requirements must be met when a lot is developed. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]

Section 3.61 Basic Requirements

A proposed division of a parcel of land shown as a unit on the tax roll (duplicate) as of October 30, 1972, may be submitted to the County Planning Commission Staff for approval without a plat if the proposed division of a parcel of land and the remainder meets all of the following conditions:

1. The proposed division is located along (fronts upon) an existing public road other than a controlled or limited access road and involves no opening, widening or extension of any street or road.
2. No more than five (5) lots are involved after the original parcel has been completely subdivided.
3. The proposed subdivision is not contrary to applicable platting or subdivision regulations. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]
4. The proposed subdivision is not contrary to applicable zoning regulations as determined by:
 - a. County Zoning Inspector for areas under County Zoning,
 - b. Township Zoning Inspector for areas under Township Zoning,
 - c. WPAFB Zoning Inspector for areas under Wright-Patterson Air Force Base Airport Zoning. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]
5. The physical characteristics of the property are suitable for a building lot (site):
 - a. Lot must be capable of handling a sewage and/or water system as determined by: (as applicable)
 - i). Clark County Health Department, or
 - ii). Ohio Environmental Protection Agency, or
 - iii). Connection to a public sanitary sewer system.

- b. Lot is buildable under other regulation such as, but not limited to, Flood Plain Regulations Storm Water Regulations, and Miami Conservancy District Regulations. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]
6. Lot must have safe and adequate roadway access as determined by:
 - a. Clark County Engineer for county and township roads, or
 - b. Ohio Department of Transportation for state and federal highways. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]

If approval is given under these provisions, the County Planning Commission shall within seven (7) working days after submission of required items and information approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approved by the Clark County Planning Commission: No Plat Required", and the authorized representative of the Commission shall sign the conveyance. This approval shall be void after ninety (90) days.

Section 3.62 Application for Approval of a Minor Subdivision

As required, an application for approval of a minor subdivision shall be submitted in accordance with the stipulations of the County Planning Commission, together with copies of the minor subdivision plan and any other supplementary information. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]

Section 3.63 - Minor Subdivision Plan

Prior to receiving consideration for a minor subdivision, the subdivider shall prepare and submit a minor subdivision plan consisting of the following:

1. A survey drawn by a registered professional surveyor, and
2. A written legal description of each lot based on the required survey. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.631 - Contents of Minor Subdivision Plan

1. A drawing based on a survey of a registered professional surveyor prepared in accordance with the State of Ohio minimum standards for boundary surveys and the Clark County Engineer's minimum surveying standards showing -
 - a. Bearings and distances for all lot lines;
 - b. Location of lot by section, town, and range or V.M.S.;
 - c. Date, north arrow, and scale;
 - d. Acreage of lot to a minimum of at least a hundredths of an acre.
2. Delineation of the entire width of all abutting street rights-of-way and notation of proposed rights-of-way per the official Thoroughfare plan.

3. Delineation of the 100 Year Flood Boundary if the lot or any part of the lot is located within a special flood hazard area inundated by the 100 Year Flood. [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]

Par 3.632 - Supplementary Items needed for Submission

1. Approval for sewer and/or water:
 - a. Evidence of approval by the appropriate authority if on-site sewage and/or on-site water are utilized.
 - b. Evidence from the appropriate agency that a tap-in to an existing public sewer and/or water system is approved. The deed will be stamped "Public Sewer Required" and/or Public Water Required" for lots connecting to such public utilities.
2. Evidence the lot has a suitable location for an approved access point (driveway access) to an existing road.
3. Evidence the lot complies with the drainage requirements of the County Engineer.
4. Evidence the lot meets the appropriate zoning requirements.
5. Any other evidence required to determine that the minor subdivision is not contrary to other applicable regulations and meets the basic requirements for a buildable lot. [CC 6-5-90/CC PC 6-19-90 (eff: 8-1-90)]

Section 3.64 - Right-of-way Conveyance [CC 6-5-90/CCPC 6-19-90 (eff: 8-1-90)]

When the existing street right-of-way width is inadequate as determined by the Thoroughfare Plan or Par. 4.131 (E) [sixty (60) foot minimum] a conveyance in the form of a separate deed of easement to the County for highway, street, maintenance, and/or utility purposes shall be required to satisfy said right-of-way deficiency. This shall be accomplished in the following manner:

1. A deed (lease, land contract, etc.) transferring a parcel, lot or tract under the provisions of this Chapter shall include a statement reserving unto the Grantor an easement for the required right-of-way.
2. A deed of easement conveying the above mentioned Grantor's right-of-way reservation to the County shall be prepared and shall be signed by the Grantor (s) and presented to the Planning Staff before the lotsplit approval stamp is affixed to the deed in number 1 above.

Section 3.65 - Optional Types of Lotsplits [CPC:5-2-01; CC: 5-29-01; eff: 5-29-01]

There are two optional types of lotsplits available which must utilize a Common Access Driveway. They must meet all the requirements noted in these regulations except as altered under this Section.

1. Cluster Lotsplit - Cluster lotsplits are allowed where permitted by zoning. Cluster lotsplits shall consist of a grouping of 2, 3, or 4 lots and meet the following:
 - a. Lotsplits must be grouped together (see Fig. 2) and contiguous.

- b. Minimum frontage on a public road for each clustered lot shall be ten (10) feet. (see Fig. 2)
- c. All lots in the cluster shall have only one (1) access point and they must share said common access driveway point (i.e. common drive). The maximum number of cluster lotsplits sharing one common access driveway is four (4). Any part of a cluster lot touching on the right-of-way of a public street other than area needed for and designated for common access driveway purposes shall be designated as limited access (no access).
 - 1) The deeds for each cluster lot must contain language binding all owners sharing the common drive to a legal responsibility for maintaining said driveway and the drive culvert and the drive approach apron in perpetuity.
 - 2) The access point, driveway approach, culvert and apron shall shown on a separate drawing and meet the specifications and approach requirements of the County Engineer or ODOT, as applicable.
 - 3) The deeds, legal descriptions, and survey maps shall contain a common access driveway easement within all the "stems" of the clustered lots.
- d. Common access driveways shall be private, placed within a common access driveway easement, owned and maintained by the abutting properties, and whose design shall be reviewed and approved to ensure safe and adequate access. Common access driveways will be evaluated by the Planning Commission staff on an individual basis. The commission staff shall take into consideration such issues as topography, number of homes served and the public road serving the common access driveway. The following criteria is intended to minimize the amount of roadway conflicts caused by excessive and unmanaged driveways and shall guide the decision of the Planning Commission Staff in approving common access driveways.
 - 1) Common access driveways shall only be permitted to access a public road where adequate sight distance is available, according to the standards of the County Engineer's Office or ODOT, as applicable. The location must be on an existing public road at a location where minimal Intersection Sight Distance standards can be met for the posted legal speed limit (journalized), or in unposted areas, areas based upon the average speed (85th percentile) determined by the County Engineer - Minimum Passing & ISD Fig. 201-3 ODOT L&D Manual.
 - 2) The minimum improved width of the common access driveway shall be 10' with an additional 2' on each side for berms surfaced with crushed gravel or paved.
 - 3) Common Access Driveways in excess of 500 feet may be required to provide a 10' X 30' turnout at a location determine by the Planning Commission Staff.
 - 4) Common access driveways shall be installed and improved prior to stamping deeds.

- 5) Individual driveways intersecting the common access drive shall be the responsibility of the individual property owners.
- 6) Suggested common access driveway design:
 - (a) The drive should have a minimum of 13'6" vertical clearance to allow for adequate access for safety equipment. The maintenance agreement should include language, which would ensure the continued existence of this clearance.
 - (b) The drive should have a lateral clearance equal to the width of the improved area. The maintenance agreement should include language, which would ensure the continued existence of this clearance.
 - (c) Minimum centerline turning radius of not less than 50'.
 - (d) To prevent erosion, chip and seal is recommended in areas where common access driveway grade is in excess of six percent maximum profile grade.
 - (e) The owners should maintain reflective and visible address marking at the intersection of the public road and the common access driveway as well as at each individual drive location.
 - (f) Where a bridge or culvert is required to provide access, it should be constructed and maintained to withstand the load of safety apparatus. It should also be able to allow the anticipated water flow. It is highly recommended that an appropriate design profession should be consulted.
 - (g) A homeowner's association and common access driveway maintenance agreement should be established for all lots sharing a common access driveway, recorded and with comparable language placed on the deeds for all lots with access to the common access driveway.
2. Bonus Cluster Lotsplit - Bonus cluster lotsplits shall be allowed only in an agricultural district e.g. A-1 or A and as permitted by zoning. Bonus cluster lotsplits must meet the requirements of 1. above as well as the following:
 - a. Bonus Cluster Lotsplits cannot be awarded until all four (4) original lotsplits (or cluster lotsplits) have been utilized.
 - b. The number of Bonus Cluster Lotsplits cannot exceed four (4) per calendar year.
 - c. Other:
 - 1) A current tax map showing the tax parcel number and acreage must be submitted; the Bonus Cluster Lotsplits shall be drawn to approximate scale on said tax map showing their location.

Common Access Driveway Maintenance Agreement

(Sample)

By these presents, there is hereby established a Common Access Driveway Maintenance Agreement.

1. Each lot (regardless of the number of owners of said tract) shall be entitled to one vote (hereinafter referred to as a "Tract Vote"). All decisions as to the extent of maintenance, repair and upkeep, or the need for such maintenance, repair, and upkeep shall be governed by a majority of the Tract Votes.
2. The terms "maintenance", "repair", and "upkeep" as used in this instrument shall be interpreted in their broadest sense. The terms include, but shall in no way be limited to, snow removal, replacement of stone or gravel, paving or cementing the driveway, the removal of obstructions and overhangs from the driveway as needed, tar and chipping, dust control, grass and weed control, and ditch maintenance, together with all associated labor costs.
3. Relative to the total expense for maintenance, repair, and upkeep of the common access driveway, each respective lot shall be responsible for and is hereby charged with the following percentage of the total expenses:
 - A. Tract # One is hereby charged with 33.3 Percent (33 1/3%) of the total expenses.
 - B. Tract # Two is hereby charged with 33.3 Percent (33 1/3%) of the total expenses.
 - C. Tract # Three is hereby charged with 33.3 Percent (33 1/3%) of the total expenses.
4. The common access driveway as designated on the survey plat, at all times, shall be free from obstructions of any kind so as to allow for the proper passage of motor vehicles. All trees, overhanging branches, or other obstructions to the free passage of public safety vehicles shall be removed and shall be kept removed and maintained at all times.
5. The common access driveway shall be established and shall be maintained at twelve (12) feet in width and shall be constructed and maintained over an aggregate base of eight inches.
6. Unless otherwise agreed to in writing by the unanimous consent of the Tract Votes, no compensation shall be paid to any owner of said tract who personally provides for maintenance, repair or upkeep of any area of the common access driveway. Any work so done by any owner without the unanimous consent of all Tract Votes shall be considered to be gratuitous in nature. An agreement to provide compensation to an owner or owners of a tract on the common access driveway for the maintenance, repair, or upkeep of said driveway shall be in writing and shall be with the unanimous consent of all Tract Votes. Said agreement may be terminated by approval of two-thirds (2/3rds) of the Tract Votes.
7. No Tract Vote shall have the authority, on its own, to institute maintenance, upkeep, or repair procedures without having the approval of the majority of the Tract Votes sharing the common access driveway. In the event that any owner of a Tract Vote shall so institute maintenance, repair, or upkeep procedures without the prior authority of a majority of the Tract Votes, said owner shall be responsible for payment in full of such maintenance, repair, or upkeep procedures, regardless of whether or not said procedures benefit the common access driveway.
8. For all purposes, the record title owner(s) of the tract shall be the owner(s) of the Tract Vote and said Vote may not be assigned or transferred without the prior written consent of the other owners of Tract Votes.
9. The owners of the Tract Votes shall be entitled to establish procedures of the providing of maintenance, repair, or upkeep of the common access driveway as a majority of said Votes may deem fit. Nothing in this agreement shall prevent a Tract Vote from being exercised by proxy.
10. This Maintenance Agreement may be modified so long as said modification is in writing approved by the unanimous consent of all Tract Votes, and that said modifications shall not be in conflict with the regulations of the Clark County Subdivision Regulations. Each modification shall be recorded in the Clark County Recorder's Office, Springfield, Ohio.
11. All remedies, legal and equitable, shall be available to all of the owners of the Tract Votes to provide for the proper enforcement of the regulations and agreements established herein, including the collection of unpaid costs due as charged to each tract.

Minor Subdivision Designs

"Cluster Lot Splits"

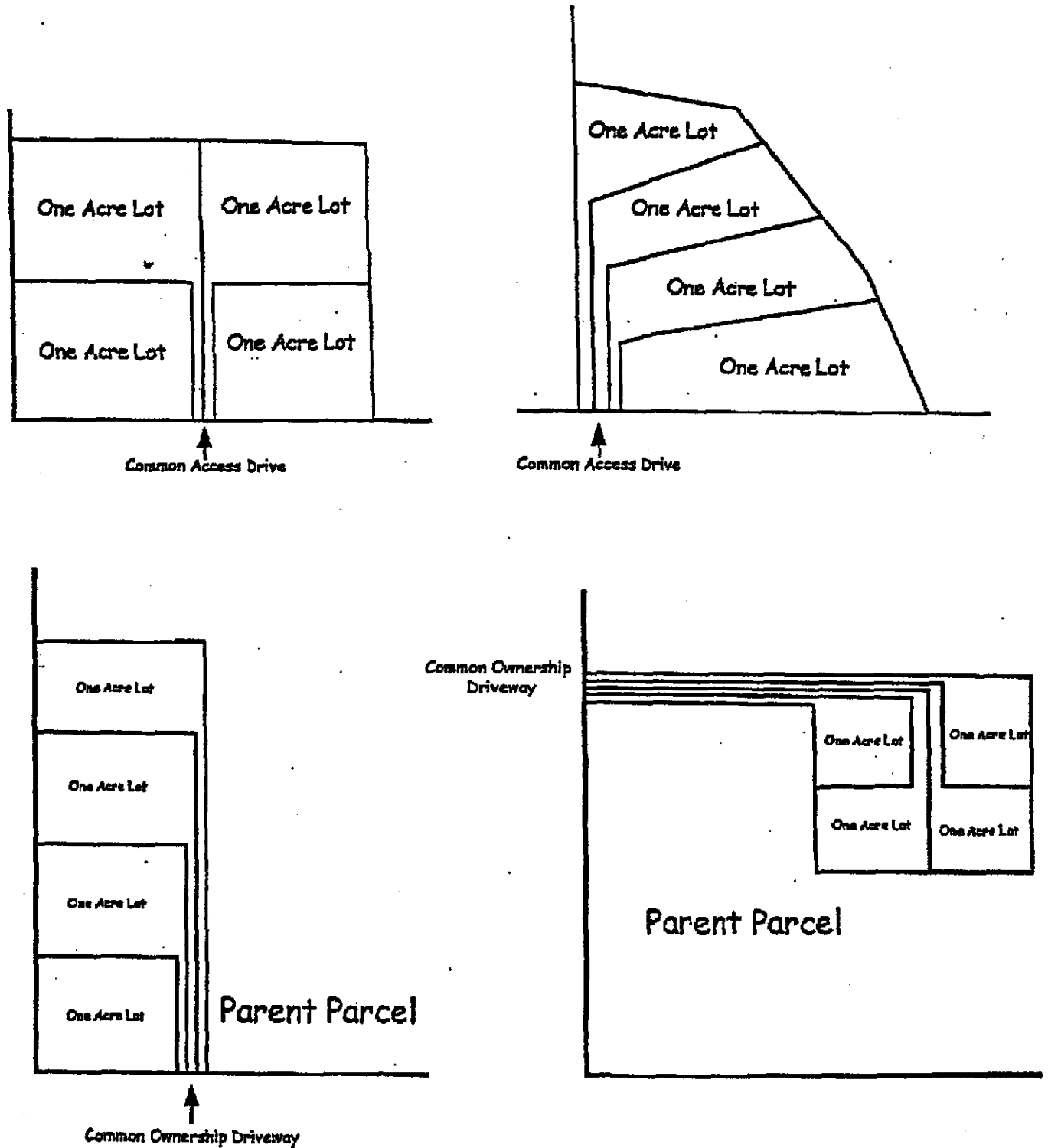


Figure 2